

**REMARKS**

The above amendments and these remarks are submitted in reply to the Office Action dated May 14, 2004.

**Summary of the Examiner's Objections/Rejections**

Claims 1-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gupta (U.S. Patent No. 5,887,164) in view of Peter Szor "Nexiv\_Der", Virus Bulletin, April 1996. Claim 3 stands objected to as being dependent upon a rejected base claim.

**Summary of the Applicant's Amendments**

The specification has been amended to correct minor typographical and grammatical errors present therein. Claim 1 has been cancelled. Claims 2-3 have been amended. Claim 11 has been added.

**Allowable Subject Matter**

The Applicant wishes to thank the Examiner for indicating on page 3 of the instant Office Action that the invention defined in Claims 4-10 is allowed.

**Rejection of Claims 1-3**

By this Amendment, Claim 1 has been cancelled. Thus, the rejection of such Claim is rendered moot.

The Applicant wishes to thank the Examiner for indicating on page 3, paragraph 3 of the instant Office Action that the subject matter defined in original Claim 3 would be allowable if re-written in independent form. By this Amendment, the substantive content of original Claim 3 has been combined with the substantive content of original Claim 1 in a new Claim 11. Thus, newly presented Claim 11 includes the limitations of original Claims 1 and 3, which the Examiner stated would be allowable over the art of record if presented. Accordingly, the Applicant submits that the invention defined in Claim 11 is allowable over the art of record and such action is earnestly solicited.

Claims 2-3 depend upon and include the limitations of Claim 11 and are submitted to be allowable at least for the reasons set forth above with respect to Claim

11. Accordingly, consideration of Claim 11 and reconsideration of the rejection of Claims 2-3 are respectfully requested.

Rejection of Claims 4-7

There is an apparent inconsistency within the instant Office Action that the Applicant would like to comment on and clarify. On pages 1 and 3 (paragraph 4) of the instant Office Action, the Examiner indicates that the invention defined in Claims 4-7 is allowed. However, on page 2, paragraph 2 of the instant Office Action, the Examiner indicates that Claims 1-10 stand rejected, without providing any substantive reasons for rejecting Claim 4-7. As the statement on page 2, paragraph 2 appears to be a typographical error and inconsistent with the remainder of the Office Action, the Applicant is moving forward with this Amendment with the understanding that Claims 4-7 are allowed. If the Applicant's understanding of the current state of Claims 4-7 is incorrect, the Examiner is invited to contact the Applicant, through the undersigned representative, to clarify the current state of Claims 4-7 in a subsequent, non-final Office Action.

Rejection of Claims 8-10

There is an apparent inconsistency within the instant Office Action that the Applicant would like to comment on and clarify. On pages 1 and 3 (paragraph 4) of the instant Office Action, the Examiner indicates that the invention defined in Claims 8-10 is allowed. However, on page 2, paragraph 2 of the instant Office Action, the Examiner indicates that Claims 1-10 stand rejected, without providing any substantive reasons for rejecting Claims 8-10. As the statement on page 2, paragraph 2 appears to be a typographical error and inconsistent with the remainder of the Office Action, the Applicant is moving forward with this Amendment with the understanding that Claims 8-10 are allowed. If the Applicant's understanding of the current state of Claims 8-10 is incorrect, the Examiner is invited to contact the Applicant, through the undersigned representative, to clarify the current state of Claims 8-10 in a subsequent, non-final Office Action.

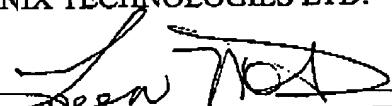
**CONCLUSION**

In view of the above amendments and remarks, it is respectfully submitted that Claims 2-11 are now in proper condition for allowance and such action is earnestly solicited.

The Commissioner is hereby authorized to charge any underpayments or credit any over payments to Deposit Account No. 16-1520 for any payment in connection with this communication, including any fees for extension of time, which may be required. The Examiner is invited to call the undersigned if such action might expedite the prosecution of this application.

Respectfully submitted,  
PHOENIX TECHNOLOGIES LTD.

Date: 11/15/04

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